



U.S. Department of Justice

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/1/21
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80 Chambers Street
New York, New York 10007

October 29, 2021

BY ECF

Honorable Alison J. Nathan
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Documented NY v. United States Department of State, et al.*,
20 Civ. 1946 (AJN)

Dear Judge Nathan:

I write jointly with counsel for plaintiff to provide a status report as required by the Court's September 16, 2021 Order, ECF No. 41, and to respectfully request a stay of these proceedings (including processing obligations) while the parties engage in settlement discussions.

Status report. The Court's September 16 Order required the State Department to provide certain information on the status of its processing on a bimonthly basis, beginning at the end of October. *See* ECF No. 41 at 12. Consistent with those requirements, State reports that, as ordered, it processed more than 400 pages of potentially responsive records in both September (404 pages processed) and October (402 pages). The increased processing was the result of a focused increase on analyst time spent on this case. On September 30, the Department released 399 pages of responsive material with certain information withheld pursuant to applicable FOIA exemptions; on October 28, the Department released 19 pages of responsive material with certain information withheld pursuant to applicable FOIA exemptions and sent an additional record, totaling 371 pages, to the Department of Justice for that agency's review and direct response to plaintiff. State's FOIA processing capacity remains constrained by the effects of COVID-19—including limits on in-person staffing at the Department, and similar constraints throughout the government that slow State's ability to obtain necessary clearances from other agencies or components of the executive branch.

Request for a stay. As noted in the parties' October 6 letter, ECF No. 42, shortly after the September 16 order was entered, the parties began discussing whether it might be possible to resolve any outstanding issues in this case without further litigation. Last week, plaintiff made a proposal to resolve the entire case without further litigation, and the government is considering this request. Both sides agree it would be most productive to focus their energies on these settlement discussions rather than further litigation at this time. We therefore respectfully request that the Court stay this matter—including State's monthly processing obligations and the overall

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processing time limit of March 31, 2022, *see* September 16 Order at 12—to allow the parties to discuss settlement.

We also respectfully request that this letter be deemed to fulfill the parties' separate obligation to file an update with the Court by November 5. *See* ECF No. 43.

We thank the Court for its attention to this matter.

The Court GRANTS the parties' joint request to stay the case. The parties shall jointly file a status update by January 3, 2022, or, if earlier, 10 days after the completion of settlement talks.

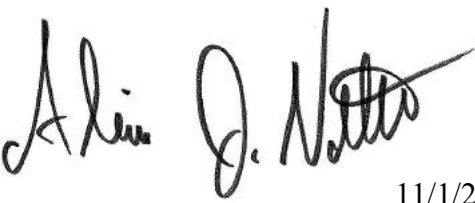
SO ORDERED.

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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11/1/21
SO ORDERED.
ALISON J. NATHAN, U.S.D.J.